

**HOW TO PETITION
THE COURT TO BE RELIEVED
OF THIS REQUIREMENT TO REGISTER
AS A SEX OFFENDER PURSUANT TO
RCW 9A.44.140**

**PROCEDURES SHEET
AND
PATTERN FORMS**

FROM

**SPOKANE COUNTY SUPERIOR COURT
October 1, 2015**

PETITION TO END SEX OFFENDER REGISTRATION
INSTRUCTIONS TO PETITIONER

This packet contains this instruction sheet and the forms you (the Petitioner) will need to complete in order to petition the Superior Court to be relieved of your requirement to register as a sex offender.

Please read these instructions and the “Petition for Relief from the Sex Offender Registration” (the Petition) carefully. You must complete every form in its entirety and you must check any box that applies to you.

If you were convicted as an adult, you must attach to the petition a certified copy of the court order which states you have successfully completed the terms and conditions of your sentence. If you were convicted of more than one offense, you must provide a court order which states successful completion of the terms and conditions for each sentence. If you were convicted as a juvenile you must provide proof that you successfully completed the terms and conditions of your sentence.

The court will expect you to obtain a current psychological evaluation by a Sex Offender Treatment Provider and attach it to the Petition. A list of sex offender treatment providers can be found in the Sex Offender Treatment Provider Directory published by the Washington State Department of Health. You may obtain a copy of this by calling (360) 236-4841 or emailing a request for a copy to hpqa.csc@doh.wa.gov. You may also view or download the directory at:

<https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/BehavioralHealthProfessionsFacilitiesandAgencies/Resources>.

The Sex Offender Treatment Provider Directory is listed as one of the mental health counseling publications.

You must make at least two copies of the Petition and *all* of the attachments to the Petition. One copy is for you and one copy is for the Spokane County Prosecuting Attorney.

You must make three copies of the “Notice of Pending Petition” for the individuals/offices listed on the “Notice of Pending Petition.”

Throughout these instructions and throughout these proceedings, you will be referred to as the Petitioner and the Prosecuting Attorney will be referred to as the Respondent.

The process consists of:

1. Obtaining a new psychological evaluation by a Sex Offender Treatment Provider.
2. Successfully passing a polygraph test administered by a Spokane County or City licensed polygrapher.
3. Paying a filing fee to the Superior Court.
4. Filing the Petition, and the attachments to the Petition, with the Spokane County Clerk.
5. Notifying law enforcement and the prosecutor of your intentions.
6. Signing the Petition under penalty or perjury.
7. Obtaining a court date from the judicial assistant or court administration.
8. Calling your motion in ready two days prior to the court date.
9. Appearing at the court date.

It is recommended that you have successfully completed the following:

1. Any and all treatment programs ordered by the court as part of your sentence.
2. All other conditions and obligations of your sentence including all financial obligations.
3. Obtaining a ‘favorable’ psychological evaluation by a sex offender treatment provider approved by the Superior Court. It is your responsibility to arrange and pay for the psychological evaluation. You must sign the Waiver of Confidentiality to allow the Sex Offender Treatment Provider to provide a report to the court and/or to allow the therapist to provide testimony to the court if necessary. The Waiver of Confidentiality is on the “Request for Evaluation” form. You may have to agree to any testing requested by the Sex Offender Treatment Provider. The Sex Offender Treatment Provider will be required to discuss your case and progress with the judge.
4. Successfully pass a polygraph test administered *by* a Spokane County or City licensed polygrapher.

Where to make the request:

The Petition must be filed in the county where you were convicted of the crime; not where you currently reside.

If you were convicted outside the State of Washington, in other states, foreign country, or a federal or military court, you must file your petition in the county where you currently registered as a sex offender.

If you need to file in another county, you should contact the Superior Court in that county to obtain instructions to file your Petition.

These instructions only apply to Petitions filed in Spokane County Superior Court.

Costs of the procedures:

There are costs associated with the Petition to be Relieved of the Sex Offender Registration. These costs include, but are not limited to, the costs of an attorney (if you want one), the costs of a new psychological evaluation, and a filing fee of \$240.00. There may be other costs. The Petitioner bears all costs to include psychological evaluation and attorney fees.

Remember:

In certain cases your registration will end automatically regardless of whether you go through this process or whether the judge approves this application.

Pursuant to RCW 9A.72.085 and the Washington State Rules of Court GR 12, I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date and place

Petitioner's signature

Please provide a copy of your report to:

- Superior Court, Criminal Presiding Department
- Prosecutor
- Petitioner's counsel
- Probation/Corrections

II. WAIVER OF CONFIDENTIALITY

This is to confirm that I, _____, hereby waive or give up any claim of confidentiality or patient-therapist privilege that would prevent _____ from discussing with or releasing to Spokane County Superior Court information and impressions and opinions and information known from or about me.

This waiver authorizes that such information be released only for the use in my Spokane County Superior Court Petition for relief from the requirement that I register with the Sheriff as a sex offender.

I further understand that the information about me will be used in a public courtroom and that it may necessarily also be released to my attorney, the prosecutor, and the probation and parole authorities. I also understand that victims of my crime may be notified of the hearing at which this information will be discussed.

A photocopy of this waiver carries the same force and effect as the original.

DATED this _____ day of _____, 20____. _____
Petitioner

County of conviction _____

Date of conviction _____

III. PART TWO – OFFENDER LEVEL HISTORY

What “Offender Level” (I, II, or III) have you been assigned since your conviction?

List the different times you have been different levels:

Level _____ from _____ to _____

Level _____ from _____ to _____

Level _____ from _____ to _____

IV. PART THREE RESIDENCE HISTORY

List every county and state you have lived in since the conviction: attach an additional page if necessary.

<u>DATE</u>	<u>State</u>	<u>County</u>
From _____ to _____	_____	_____
From _____ to _____	_____	_____
From _____ to _____	_____	_____

V. PART FOUR – PETITIONER’S ATTORNEY

() I will be represented by the following attorney:

Name: _____

Address: _____

Phone Number: _____

() I will not have an attorney. I will represent myself. I wish notice of all court dates that may be scheduled and copies of all documents that are offered to the judge in this case.

I may be reached at: _____

Full legal name: _____

Address: _____

Phone number: _____

VI. PART FIVE – MAILING INSTRUCTIONS

1. Make three copies of this questionnaire
2. Mail or deliver the first copy to:

Spokane County Sheriff Sex Crimes Unit
Public Safety Building
1100 W Mallon
Spokane, WA 99206

3. Mail or deliver the second copy to:

If you were convicted as an adult:

Spokane County Prosecuting Attorney
Sex Crime Unit
Public Safety Building
1100 W Mallon
Spokane, WA 99206

If you were convicted in Juvenile Court:

Spokane County Prosecuting Attorney
Juvenile Department
1208 W Mallon 1st Floor
Spokane, WA 99206

Instructions for Prosecuting Attorney:

- a. Note that this matter may come for hearing in open court.
- b. Notify, if applicable, the victim(s) of the crime per the provision, of RCW 7.69 et seq.
- c. Prepare and serve any response to the Petitioner and/or the Petitioner’s counsel named above.

4. Mail or deliver the third copy to:

If you were convicted as an adult:

Department of Corrections
Adult Protection and Parole
1717 W. Broadway
Spokane, WA 99206

If you were convicted in Juvenile Court:


Juvenile Probation Services
Juvenile Court Building
1208 W. Mallon
Spokane, WA 99206

Instructions to Probation/Parole officials:

- a. Note this request for relief from the sex offender registration requirements.
- b. You may advise the Superior Court of Spokane County, Criminal Presiding Department, of any information that is pertinent to this request. A summary of Petitioner’s conduct and compliance to date whether any conditions of his/her sentence remain uncompleted would help the Court.
- c. You may attend the hearing in person.

(Copy Receipt)

(Clerk's Date Stamp)

 <p>SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE</p>
<p>Petitioner: _____</p> <p>vs.</p> <p>Respondent: <u>LARRY HASKELL</u> Attorney for Spokane County Respondent</p>

CASE NO. _____

NOTE FOR HEARING RE:
RELIEF FROM SEX OFFENDER
REGISTRATION

TO THE CLERK AND TO: LARRY HASKELL and HIS DEPUTY; JUVENILE PROBATION; and SPOKANE COUNTY SHERIFF'S DEPARTMENT.

The undersigned has scheduled a motion for relief from sex offender registration, a copy of which is attached. The hearing is to be held:

On: Date: _____ Time: _____

At: Spokane County Superior Court
Civil Presiding Department, Courtroom _____
1116 W. Broadway Avenue
Spokane, WA 99260

The hearing will be held before the Civil Presiding Judge or other judicial officer designated to hear this petition. Motions must be confirmed NO LATER THAN 12:00 NOON, 2 DAYS BEFORE THE HEARING by contacting the judicial assistant for the Civil Presiding Judge.

Dated: _____

PROSECUTOR'S STAMP:

Signed: _____

Attorney for:

Address _____
Street

City/State/Zip

Due service is admitted this, ____ day,
of _____, 20____.

NOTE FOR HEARING – ISSUE OF LAW
Petition for Relief of Sex Offender Registration

The information obtained hereby shall be provided directly to the Court. The Court will disseminate the circumstances under which the information shall be disseminated to the parties. In no event shall the information requested here be used for any other purposes, whatsoever, by any party, beyond the determination of the instant Petition.

DATED this _____ day of _____, 20_____.

Judge

Presented by:

Presentment waived:

WSBA #
Attorney for Petitioner

WSBA #
Deputy Prosecuting Attorney

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

_____)	No. _____
<i>Petitioner</i>)	
)	
v.)	
)	
LARRY HASKELL)	
Attorney for Spokane County,)	ORDER PERMITTING ACCESS TO SEALED
Respondent)	FILE

MOTION/BASIS

There is presently pending before the Court a Petition to relieve _____ of the obligation to register as a sex offender.

The Superior Court Clerk has advised that the Superior Court file is “sealed” and cannot be inspected absent a court order.

The Court and all parties wish to inform themselves on the matter prior to the hearing on the Petition.

Petitioner’s attorney here moves the Court for an Order permitting inspection of the file prior to the hearing.

This Motion is based on the records and files herein, and upon RCW 13.50.050(14).

ORDER

The Clerk of the Court is directed to retrieve the court file in this matter from its long-term archival storage, and to retain the file in the Juvenile Clerk’s office for inspection and copying only by the Court, counsel of record for Petitioner _____, and by the licensed attorney staff of the Prosecutor’s Office Juvenile Division.

Any copies of the hearing on the pending Petition, the Clerk of the Court is directed to return the file to the long term storage and to observe the earlier Order sealing the file.

DATED this _____ day of _____, 20_____.

Judge

Presented by:

Presentment Waived:

WSBA # _____
Attorney for Petitioner

WSBA # _____
Deputy Prosecuting Attorney

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

_____)	No. _____
<i>Petitioner</i>)	
)	
v.)	
)	
LARRY HASKELL)	ORDER GRANTING RELIEF
Attorney for Spokane County,)	FROM SEX OFFENDER
Respondent)	REGISTRATION

This matter having come for hearing on _____, and the parties being present (and represented by counsel) and the Department of Corrections and the Spokane County Sheriff having been notified and having considered the report of _____, and also having considered the records and files herein, as well as the records and files pertinent to the original conviction, and being fully informed I, in the premises, now makes the following

FINDING

The purposes of RCW 9A.44.130 are not served by the Petitioner's continued registration as a Sex Offender.

ORDER

This Order of the Court that, pursuant to RCW 9A.44.142, Petitioner be and hereby is relieved of the requirement that s/he register with the Sheriff of his or her county of residence.

This Order applies only to registration requirements imposes pursuant to the conviction in Spokane County cause # _____, and does not relieve the Petitioner of requirements imposed by other cause numbers.

It is the further Order of the Court that copies of this Order be provided to the Washington State Patrol, Records Division, and to the Spokane County Sheriff's Department.

DATED this _____ day of _____, 20_____.

Judge

Presented by:

Presentment waived:

WSBA # _____
Attorney for Petitioner

WSBA # _____
Deputy Prosecuting Attorney